



PELTON GRAHAM LLC

ADVOCATES FOR JUSTICE

September 3, 2021

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VIA CM/ECF

Chief Magistrate Judge Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Omar, et al. v. 1 Front Street Grimaldi, Inc. d/b/a Grimaldi's Pizzeria, et al.*
Civil Action No. 16 Civ. 5824 (LDH)(CLP)
Status Letter

Dear Judge Pollak:

This firm represents the Plaintiffs in the above-referenced action. We write to provide Your Honor with an update regarding the status of this action, pursuant to Your Honor's Order of August 5, 2021.

Frank Ciolli ("Ciolli") has not complied with Your Honor's July 21, 2021 Order. Neither a class list nor a "sworn affidavit indicating under oath that he has no records whatsoever and cannot recall a single employee who worked for him at these restaurants" has been produced. On August 30, 2021 and September 1, 2021, the undersigned spoke to Ciolli, who stated that he is not able to obtain any records of employee names or addresses from the Grimaldi's Brooklyn location.

Therefore, Plaintiffs respectfully request that Your Honor enforce Your Honor's Order against Ciolli. If Ciolli produces a sworn affidavit confirming his inability to produce a class list, then Plaintiffs would respectfully request that Your Honor order the parties to: (1) mail class notice to the thirty-eight (38) class members for which we have addresses from the collective action motion mailing; (2) post notice at all of the New York City Grimaldi's locations that Ciolli is still involved with and/or has an ownership interest in; and (3) publish notice to the class via Facebook at Ciolli's expense, with Ciolli to issue payment in advance.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

/s/ Alison L. Mangiatordi

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Status Letter
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Alison L. Mangiatordi, Esq. of
PELTON GRAHAM LLC

cc: All parties (via ECF)